



EMPLOYMENT
LAWYERS
ASSOCIATION

www.elaweb.org.uk

Annual Report
2013 - 2014



Employment Lawyers Association
P.O. Box 353
Uxbridge UB10 0UN

Tel/Fax: 01895 256972
Email: ela@elaweb.org.uk

Honorary Presidents of ELA

The Honourable Mr Justice Langstaff

President

Employment Appeal Tribunal

England & Wales

David Latham (to March 2014)

Judge Doyle (from April 2014)

President

Employment Tribunals England & Wales

Shona Simon

President

Employment Tribunals Scotland

Lady Valerie Stacey

Chair

Employment Appeal Tribunal

Scotland

ELA Management Committee 2013 - 2014

Chair

Richard Fox

Deputy Chair

Richard Linsell

Treasurer

Damian Phillips

Secretary

Fiona Bolton

Editor, ELA Briefing

Anna Henderson

Chair, Training Committee

Gareth Brahams

Chair, Legislative & Policy Committee

Bronwyn McKenna

ELA Management Committee 2013 - 2014

Chair, International Committee

Juliet Carp

Chair, Pro Bono Committee

Paul Daniels

Representative of the Bar

Paul Epstein QC

In-house Representative

Mark Hunt

Regional Representatives

London & South East – [Betsan Criddle](#) and [Eleena Misra](#)

Midlands – [Ranjit Dhindsa](#)

North East – [Anjali Sharma](#)

North West – [Naeema Choudry](#)

Scotland – [Joan Cradden](#)

South Wales – [Nick Cooksey](#)

South West – [Sean McHugh](#)

Members at Large

[Merrill April](#)

[Stuart Brittenden](#)

[Yvette Budé](#) (deceased 25.10.2013)

[Karen Mortenson](#)

[Catherine Taylor](#)

ELA Law Society Council Seat

[Clive Dobbin](#)

Life Vice Presidents

[Dame Janet Gaymer DBE QC](#)

[Jane Mann](#)

[Fraser Younson](#)

Vice President

[Joanne Owers](#)

ELA Support

Head of Operations

Lindsey Woods

ELA Administration - Byword

Sandra Harris

Charley Masarati

Emily Masarati

Jeanette Masarati

Claire Paley

Finance Administrator

Angela Gordon

Website Manager

Cynthia Clerk

Website Support and Maintenance

Ian Piper, Tellura Information Service Ltd

Bronwen Reid, BR Enterprises Ltd

PR Consultants

Clare Turnbull, Kysen PR

Chair

Richard Fox, Kingsley Napley LLP

Deputy Chair

Richard Linsell, Ogletree Deakins International LLP

Head of Operations

Lindsey Woods



www.elaweb.org.uk

CHAIR'S REPORT

This has been a huge year for ELA, not least because there has been so much change and challenge to the work that we do. Almost certainly as much as we have seen for more than a decade – right back to the days of the statutory disciplinary procedures, in fact. It has also been a time when there has been a significant change in tone so far as the Government's Employment Law Agenda is concerned. By and large they left behind the blue sky/policy thinking stage, and knuckled down to putting their policies into practice. And that meant much involvement with ourselves in responding to numerous papers put out for consultation on all manner of topics, many absolutely core to the work that we do, including the new Tribunal Rules, Tribunal fees, Pre-termination discussions (fka protected conversations) and Early Conciliation. This also gave us plenty of consequential opportunities to offer training to our members as areas developed and the proposals became clearer.

Fortunately we have been able to meet those challenges every inch of the way. Indeed throughout it all we have continued to raise the profile of the Association, as you had specifically asked us to do in your responses to our last Membership Survey in 2011. At this critical time for employment lawyers, we need to make sure our voices are heard, and we have certainly been successful in that respect.

Meetings with Government

For some time, ELA has engaged with civil servants at BIS (the former DTI), and with other Government departments where they have been responsible for law affecting our members. As Bronwyn reports for our Legislative and Policy Committee, throughout the year we have had many meetings with BIS officials, dealing with numerous reform proposals covering almost every area of our employment law territory. But more than that, as a result of a paper submitted by our Employment Law Oversight (ELO) Committee, Stephen Levinson (the Chair of that Committee) Professor Wallington and I, were given the opportunity to meet with Jo Swinson MP, the Employment Minister, on 5 August 2013. We were able to impress upon the Minister the fact that we seek to persuade Government (and others) to make employment law more efficient, comprehensible and ascertainable. We gave her a number of examples where improvement could be made in a non-political way. It was as a direct result of that initiative, and a further meeting with BIS officials, that we conducted a survey of our membership to determine which areas of the law you would most like changed, and now that the responses have been received and analysed, we shall continue a dialogue with the Minister's officials and others to promote these policies for simplification and consolidation.

CHAIR'S REPORT cont.

For some time we have been concerned with the changes that were made to the Cabinet Office Guidance on Consultation, ironically made without consultation just under 2 years ago. These specified amongst other things, that in the future consultation periods may be for as little as two weeks, albeit the typical period was to be between two and twelve weeks. The previous Government's "default" period in that respect, had been three months. After I wrote to the Government expressing our views, The Rt Hon Oliver Letwin MP invited both myself and Bronwyn to a meeting at 9 Downing Street. We must have put up a good account of ourselves, because I was subsequently asked to join his "Independent Advisory Panel to the Government's Review of Consultation Principles". We met on a number of occasions at the Cabinet Office. The Committee's report is now available on the Cabinet Office website, and although not all of the principles have been reviewed in the way we might have hoped, it is plain, as it was throughout the process, that our views have been listened to, and have been taken into account. The debate continues...

ET User Groups

It has in the past been a real concern to us that Employment Tribunal User Groups up and down the country, have been either extremely poorly attended, or alternatively cancelled through general apathy. We wanted to inject more life into those meetings, and also to provide a means by which we could (nationally) monitor trends that were happening on a regional basis. We therefore began a practice of informing the Employment Tribunals that we were publicising the date of their next user meeting to all our members. In addition to the traditional e mail we also make full use of our social media outlets, namely our LinkedIn Groups (of which more later) and by Twitter. With the exception of some initial concerns about how larger attendances might be accommodated, our intervention was by and large welcomed. And if there was some initial reticence, that has almost wholly disappeared because of the success of the project. User Meetings are now far better attended than before. This has meant ELA members are better informed as to trends and practices in the Employment Tribunals before whom we regularly appear. We have also been able to coordinate what we have learned on a national basis.

Of a little more sensitivity, is the fact that we have been wanting to publish on to our website, copies of the official minutes of those meetings, and/or otherwise any notes of those meetings taken by our representatives. There we have met with more mixed success. We first wrote to the President of the Tribunals in England and Wales in October 2013, and sought his permission to do so, but we did not receive his consent. That may be because of a lack of unanimity amongst Regional Employment Tribunal Chairs in this

CHAIR'S REPORT *cont.*

respect. We do not know. In our view, opposition to what we had proposed would be strange, in the sense that these meetings (held during the course of the working day when not all of our members who might want to attend, are able to do so) are open to the public. No "Chatham House" rules apply. I should also say that whenever I have attended User Group Meetings, regional chairs have gone out of their way to accommodate us, and have been more than happy for our members to take notes. Given the change of President this April we may see a softening of the stance being taken to our request. We shall have to see.

In the meantime, and in a variety of ways, we have been able to publish promptly after the User Group meetings, ELA members' notes, or the contents of related blogs (I confess, where these have been in and around the London area, these are my own!). See the ET User Groups section under Law and Practice at www.elaweb.org.uk. In the last few months, the issues raised at these meetings have tended to focus upon national statistics on listings, the success or otherwise of judicial mediation, and on available judicial resources. However, more recently there has been a shift in focus towards the substantial reduction in the number of claims being issued before the Tribunals (following the introduction of Tribunal fees), and the fact that fee paid judges and (possibly with the exception of East London) wing members, are not being offered as many sitting dates as before, owing to insufficient work.

My particular thanks go to Stephen Levinson whose idea it was, to involve ELA in this way, and to Stuart Brittenden of Old Square Chambers, who has co-ordinated ELA's involvement in this process, together with our Regional Representatives and the ELA office.

National User Group Meetings

This leads me directly to the National User Group Meetings (for England & Wales) that are held approximately two or three times a year at Victory House, in London. They are chaired by the President, who for most of the last (ELA) year has been Judge David Latham. Since April, Dr Brian Doyle has assumed the Presidency. These meetings have been attended by ourselves, HMCTS, the Law Society, the TUC, the CBI, the EEF, ACAS, FRU, Citizens Advice, the Federation of Small Businesses, and Peninsula. Often a number of officials from BIS also attend. These meetings have developed well over time. I believe the fact that we have such an active Legislative & Policy Committee, responding as it does to almost every consultation in our area of the law, as well as the increased activity we have sponsored at User Group Meetings, has helped us to play a significant part in the discussions that have taken place around the table at that level.

CHAIR'S REPORT *cont.*

More recently, the President called an urgent meeting just prior to the introduction of Early Conciliation in April, which provided a particularly useful opportunity to discuss the concerns that were being expressed by our members as to the proposed new regime, including the transitional arrangements then being released shortly before they were about to come into force.

The Alison Wetherfield Memorial Lecture

Last July we held a lecture in memory of the late Alison Wetherfield, who so tragically died at the age of 50, almost exactly a year previously on 31 July 2012. It was given by Baroness Hale of Richmond on 9 July 2013 and was entitled "The Conflict of Equalities". The lecture was of the highest quality, and was perfect testament to Alison's work for ELA over many years, including a period as Chair of our Legislative & Policy Committee. As many members will know, Alison was one of our leading discrimination lawyers, and she would, I feel sure, have been proud of the fact that we were able to arrange for someone as distinguished as Baroness Hale, to deliver a lecture in her memory.

ELA Annual Lecture

Given that we had already had a formal lecture this year (as described above) we decided to change format for our ELA Annual lecture. We invited John Cridland, Director General of the CBI, and Frances O'Grady, General Secretary of the TUC, to share a platform at the Grand Connaught Rooms. The event, held on 4 February, was moderated by the barrister and broadcaster, Clive Coleman, and was beamed live to 24 locations around the country. After an initial address by both speakers, they were each asked a variety of questions by a number of senior members of the Association. These they dealt with interestingly, passionately and at times controversially. John Cridland's description of the Employment Tribunal Fees Order as a "dogs breakfast", is a particular abiding memory in that respect!

Communication with Members

Throughout the year we have focused on increasing our communication with members, very much including those based outside London. Whenever I have the opportunity to do so, I make sure I travel to each of our regions, from South West and South Wales, through Midlands Region, the North West, the North East and to Scotland, most recently for the ELA Social in Glasgow on 3 April. Karen Mortenson, Member at Large on the Management Committee has also been helping me in this respect, for which I am grateful.

CHAIR'S REPORT cont.

We are aware that geographical distance means that it is not always easy for regional representatives to attend meetings of our Management Committee, given that they take place in London. Accordingly, we have introduced a system whereby we designate two meetings a year specifically to focus, almost exclusively on regional issues. For those meetings, regional representatives are very much encouraged to be present, not just on the telephone, but in person. The first such meeting took place this January. It was a great success. Almost all of the regions were represented. We ran through a mini agenda for each area including the lectures they were hosting, the social events that were being organised, and any particular issues that had arisen in their area and we very much hope this is a process that will continue next year. Our Regional Representatives have given short reports for this year's Annual Report, which begin on page 42.

We have also stepped up our social media campaign. We now have LinkedIn groups for each of our regions, some of which are becoming increasingly active. Many members are also using our general ELA LinkedIn account to air concerns about all sorts of issues, which we have then been able to consider, and in many cases take forward. Legal expenses insurance is one such, as is the issue of those who seek to give the impression they are part of, or are associated with ACAS, but are not.

In House Employment Lawyers

We now have an increasing number of lawyers working in house, who specialise in the field of employment law. Mark Hunt of BNY Mellon has been our In House representative since March 2013, following the resignation of the elected In House representative in January 2013. He provides a report at page 41.

ACAS Imitators

This is an issue that was brought to our attention through our new LinkedIn Group. We learned that a client of one of our members had said that when they had searched for ACAS on google they had "got something that looked like ACAS" and that they then "clicked on to it". They found themselves talking to someone from an organisation wholly unconnected with ACAS, but funded by a commercial employment law provider. On analysis it appears that when conducting a google search for ACAS, a number of sponsored advertisements relating to ACAS appear at the top of the search page. These can be confusing and may mislead enquirers into thinking they were being diverted to ACAS itself, or to an affiliated

CHAIR'S REPORT *cont.*

organisation. We now understand that the wording of these advertisements has been toned down, and the pages of the services advertised have also been toned down. Nonetheless, the practice is not satisfactory and we have raised the matter with ACAS. It is clear they have had an issue with this in the past, because they have a page on their website headed "Beware of ACAS Imitators". We will continue to monitor this situation, and if it becomes a significant issue, we may have to consider raising complaint with other organisations about this activity.

London and South East Region

We have made changes to London and South East region this year, prompted in part by the fact that co-incidentally Eleena Misra, and Betsan Criddle, our two elected representatives, have been on maternity leave since last summer. London and South East region has always been in an anomalous situation, given that our ELA Training Committee effectively organises all of its training programme. Additionally Cambridge, Thames Valley (with Reading and Oxford being separately represented) and Solent, have all been self-sufficient for some time. The representatives in these sub-regions have traditionally been appointed informally from within the regions, often without significant input from ELA. We therefore took the opportunity to consider the overall structure, and have created two elected positions to cover these areas, which we have called Lower and Upper South East respectively. Lower South East now consists of Kent, Sussex, Surrey and Hampshire. Upper South East now consists of Berkshire, Oxfordshire, Buckinghamshire, Hertfordshire, Essex, Bedfordshire, Cambridgeshire, Norfolk and Suffolk. London (including Greater London) no longer has its own elected representative. This is because our members in this area are already well represented by ELA's central committees.

These, therefore, were the seats that were configured for our election this year. In the meantime, Catherine Taylor kindly agreed to cover London and South East, with assistance from Karen Mortenson and Yvette Budé.

As with all ELA regions, we are aware these two new constituencies cover large geographical areas, and members are very much encouraged to help ELA arrange training sessions in any location where there is strong enough support for such an event to be held.

CHAIR'S REPORT cont.

Wales Region

We have made adjustments to our constituency in South Wales. We have decided to create a new constituency for Wales as a whole. This is in part to align better our regions, with those that apply to the Employment Tribunals in England and Wales. It is also to give a greater sense of identity for Welsh members. We consulted with members in the region and there are undoubtedly pros and cons with this strategy, not least the fact that the geography across the region means that effectively those from South Wales tend to travel across to South West region for various events (and visa-versa). Similarly in North Wales, members may prefer to journey to North West Region for an event, rather than making the trip to South Wales. That will continue. All members in North Wales who currently are not members of what was previously described as our South Wales LinkedIn group, may now want to join our new Welsh LinkedIn group.

iPad edition of ELA Briefing

We have looked carefully into the possibility of producing an iPad version of ELA Briefing. Currently, the projected costs are indicated at something approaching £15,000 per year. After debate, the Management Committee decided this would be disproportionate to the value added for ELA members, (particularly as they can already obtain a pdf of Briefing). We will nonetheless keep this issue under review. In due course we would like to be able to produce an interactive ELA Briefing potentially with ready access to consultation papers, response papers, and possibly also other examples of multimedia. In the meantime we are bringing the pdf versions of each issue to members' attention, via email and LinkedIn.

Website Refresh Project

In October 2013, we launched a new-look ELA website. This project came about because the website's content management technology (which allows us to refresh the content) had become out of date. At the same time as building a new Content Management System, we took the opportunity to refresh the design of the website, re-aligning it with the new look of ELA Briefing. We also re-categorised our content to make it more user-friendly and built a new search and topic taxonomy system to help ease of content discovery. A number of members took part in the user testing for the new site, to help us get it right, for which we are very grateful.

CHAIR'S REPORT cont.

Thank You Reception

We held a reception at the Chapter Hall of the Order of St John Museum in Clerkenwell on 19 March 2014, to mark the contributions that had been made by members of all our committees, including those who had contributed to the working parties attached to our Legislative & Policy Committee, and those who had kindly delivered our seminars and lectures. It was a fabulous event with around 80 members present, and underlined just how many of us are keen to get involved in our various activities.

Yvette Budé

Sadly, towards the end of the year, we lost another of our members. Yvette Budé, an elected Member at Large on our Management Committee, and a barrister at Cloisters Chambers, died at a tragically early age. This is a deeply sad loss to her family, but also to the profession and to ELA. We posted a message of condolence on the ELA website, and on the dedicated website that was set up in Holland (her home country).

ET Judgment Archive

Since Employment Tribunals were first established, an archive of every Judgment handed down in England and Wales has been maintained in Bury St Edmunds. Anyone wishing to retrieve such a Judgment can go to Bury, pay a small fee, and retrieve a copy. Recently the Ministry of Justice (MoJ) decided it could no longer maintain the archive. It would keep Judgments for 6 years, but thereafter they would be shredded. Robin White of Old Square Chambers began a campaign to secure a stay, and Derby University Law School then offered to house the archive. We were asked if we would make a financial contribution. We decided to offer to pay £1,000 towards the cost of transporting the archive to Derby. We also indicated we might in due course, make a contribution towards the development of an online search facility, which we felt could be a useful tool for our members. More recently we heard the proposal was on hold, pending discussion between the National Archive and the MoJ, as to whether the MoJ had the power to dispose of the archive.

CHAIR'S REPORT cont.

Social Event for those new to Employment Law

In May 2012 we ran a very successful social event specifically for members new to employment law. There was a lot of support for this initiative, and we therefore held a second event at Corney & Barrow on 29 April 2014. Despite the tube strike that day, the event was a great success and was much enjoyed by those who were there.

And finally, this is my last year as ELA Chair. It has been an absolute privilege to lead this Association, the more so because it has come at such a crucially important time for all employment lawyers. I will remain as Vice-President, but will be handing over to Bronwyn McKenna, with whom I have worked closely during her time as Chair of our Legislative & Policy Committee. I have absolutely no doubt she will make an enormous success of it. We are lucky to have her. I would also like to report my deep appreciation for the work of all the staff at ELA and Byword, without whose help ELA simply could not function. And then there is Lindsey Woods, our indefatigable Head of Operations. To run ELA without her would simply be unthinkable. My thanks to each and every one of them.

Richard M Fox
ELA Chair

Treasurer

Damain Phillips, Darwin Gray LLP

Financial Administrator

Angela Gordon

www.elaweb.org.uk

TREASURER'S REPORT

It is good to be able to prepare a finance report at a time that the economy in the UK is at long last experiencing growth. That is perhaps reflected in ELA's income, which increased from £805,760 in 2012 to £841,375 in 2013.

Membership subscription income continued its increasing trend of recent years. It was up a little over £19,000 on 2012, totalling £351,300. Conversely, training income fell by almost £5,000. It totalled £467,092 but was still £17,092 over budget. The slight drop in training income was mainly due to our replacing the traditional ELA Annual Lecture with the Alison Wetherfield Memorial Lecture, the proceeds of which were donated to The Alison Wetherfield Foundation.

There was a drop of £27,320 in expenditure on "Room hire and catering", explained largely by the fact that the Annual Conference and Dinner is always less costly to run outside London (where it was held the previous year), as well as a couple of events having had fewer bookings than in the previous year. Expenditure in other areas has generally remained stable, being similar to 2012. One significant cost that was incurred during the year was in respect of ELA's new website. We now have more control over content management and it is smart phone/tablet friendly, meaning that members can access it whilst out of the office. The feedback regarding the new website has been very positive and it represents an example of ELA adapting to the times and needs of its members. The collaboration between Charley Masarati and the Regional Representatives also saw an increase in the funding of social events from £10,612 in 2012 to £17,822.

The Management Committee is delighted that ELA's healthy financial state meant that it was possible to continue with pro-bono funding of £20,000 to each of the Free Representation Unit and Bar Pro-Bono Unit, whose resources are in great demand.

As at 31 December 2012, ELA's reserves totalled £478,019. This comprises the Emergency Fund of £250,000 and the Development Fund of £228,019. These funds help to ensure that ELA's future remains bright. They enable future management committees to plan for the growth of existing membership services and also allow innovation of new services and one-off projects. They also provide a financial cushion against any large drop in income, as was experienced several years ago.

One significant issue to report relates to ELA's VAT records. It came to light during a review by HMRC that there were some discrepancies in connection with the partial exemption calculations.

TREASURER'S REPORT cont.

As explained in the 2013 Accounts, for the period 2010 to 2013, £36,784 was discovered as historical VAT owing to HMRC. Of this amount, £35,106 related to the period 2010 to 2012, when a different person had been responsible for the VAT returns. Accordingly, adjustments have been made to the previous years to reflect the liability. The 2012 surplus of £8,478 has been restated as a deficit of £9,727 and the full VAT legacy of £35,106 has been adjusted in the Development Fund, which has therefore been restated in 2012 to £201,149 from £236,255. This is an example of why it is necessary for ELA to maintain its reserves.

I am pleased to report that HMRC was impressed with the manner in which we dealt with the issue. We immediately did our own calculations of the outstanding VAT and made payments on account to HMRC. As a consequence of our cooperation and prompt actions, apart from an unavoidable interest payment of £2,047.89, we only received a penalty on the lowest scale, which was suspended for three months. On behalf of the Management Committee, I should like to express particular gratitude to Lindsey Woods and Angela Gordon for their excellent handling of this unfortunate situation.

One administrative change to report is that, following 10 years as our auditors, the Management Committee recommends that Bartfields should be replaced by Crowe Clark Whitehill LLP.

This firm is known to several members of the Management Committee and was selected following a tendering exercise involving two other accountancy firms. It was chosen because it demonstrated the best understanding of ELA's needs as a not for profit organisation and was reasonably priced. I should like to take this opportunity on behalf of the Management Committee to thank Bartfields for their service over the last 10 years.

I am also very grateful to the following for their help during the year:

- Byword, who are responsible for dealing with and managing all income received by ELA;
- Angela Gordon, our financial administrator, who is central to ELA's financial administration; and
- Lindsey Woods, who among other things, manages and verifies all of ELA's expenditure.

Damian Phillips
Treasurer

TREASURER'S REPORT cont.

Income & expenditure account for the year ended 31 December 2013

	2013 £	2012 as restated £
Income		
Subscriptions	351,300	332,053
Training and annual events	467,092	471,997
Other income	14,941	1,055
Bank interest	8,042	675
	<u>841,375</u>	<u>805,760</u>
Expenditure		
Training		
Room hire & catering	237,202	264,522
Speakers' expenses	11,398	13,094
Other training costs	76,544	69,016
Webinar program	6,009	-
Administration expenses and staff costs	161,406	163,553
Social Events	17,822	10,612
PR	10,742	16,150
Professional and consultancy fees	76,514	84,234
Web-site hosting & maintenance	17,285	29,209
Web-site refresh project	27,527	-
Auditors remuneration	5,600	5,549
Publishing	120,093	116,770
Pro bono project	40,000	40,000
Bank charges	2,707	2,643
Interest on taxation	2,048	-
	<u>812,897</u>	<u>815,352</u>
2013 - Excess of income over expenditure	<u>28,478</u>	<u>(9,592)</u>
2012 - Expenditure over income (before taxation)		

Secretary

Fiona Bolton, Eversheds LLP

ELA Administration

Byword

Sandra Harris

Charley Masarati

Emily Masarati

Jeanette Masarati

Claire Paley



Website Manager

Cynthia Clerk

www.elaweb.org.uk

SECRETARY'S REPORT

The membership figures for the year to December 2013 show an increase to 6,296 (made up of 5,849 Full Members and 447 Associate Members), an increase from the previous all-time record as at 31 December 2012 of 6,068 (made up of 5,702 Full Members and 366 Associate Members).

Since last year's report, an amendment to Article 10.1 of the Constitution has been proposed. The relevant Article provides that the ELA Management Committee positions shall consist of between 3 and 26, 22 of which are to be elected and 4 of which can be filled by co-option. The proposed amendment, to give the Management Committee greater flexibility, is to be put to the membership at this year's Annual General Meeting.

There were discussions last year regarding regional representatives, as I mentioned in my previous report. These discussions have continued.

After consultation with the affected Members, the Management Committee has decided that the South Wales region should be expanded to include the whole of Wales. Members in North Wales may, of course, still choose to participate in North West events, if they are geographically closer.

The Management Committee has also re-visited London & South East representation, to take account of the long-standing input of the, currently unelected, sub-regional reps in the South East and to ensure maximum engagement with, and support of, these regions. After consultation with the affected Members, the Management Committee has agreed that two new regions should be created at this year's election, to replace London & South East, with an elected representative for each:

- Upper South East (Berkshire, Oxfordshire, Buckinghamshire, Hertfordshire, Essex, Bedfordshire, Cambridgeshire, Norfolk, Suffolk – currently 560 Members); and
- Lower South East (Kent, Sussex, Surrey, Hampshire – currently 419 Members).

London itself (including Greater London) no longer has a representative because the Management Committee considers that members in London are already well represented by ELA centrally.

I would like, as always, to thank Head of Operations, Lindsey Woods, for her hard work and support.

Fiona Bolton

Secretary

Chair, Legislative & Policy Committee
Bronwyn McKenna, UNISON

www.elaweb.org.uk

LEGISLATIVE & POLICY COMMITTEE REPORT

Committee

Elaine Aarons, Withers LLP
Sue Ashtiany, Ashtiany Associates
Trevor Bettany, Speechly Bircham LLP
Emma Burrows, Trowers & Hamlins LLP
Jonathan Chamberlain, Wragge Lawrence Graham & Co
James Davies, Lewis Silkin LLP
Robert Davies, Dundas & Wilson LLP
John Evason, Baker & McKenzie LLP
Richard Fox, Kingsley Napley LLP
Peter Frost, Herbert Smith Freehills LLP
Dame Janet Gaymer, DBE QC
Sarah Gregory, Baker & McKenzie LLP
Howard Hymanson, Harbottle & Lewis LLP

Anthony Korn, No 5 Chambers
Joanne Owers, Fox Williams LLP
Paul McFarlane, Weightmans LLP
Brona Reeves, Barclays Plc
Stephen Levinson, Keystone Law Ltd
Paul Statham, Pattinson & Brewer
Caroline Stroud, Freshfields Bruckhaus Deringer LLP
Ellen Temperton, Lewis Silkin LLP
Maeve Vickery, Pardoes LLP
Peter Wallington QC
James Warren, Field Fisher Waterhouse LLP
David Widdowson, Abbiss Cadres LLP
Fraser Younson, Squire Sanders (UK) LLP

The pace of change in employment law did not slow during 2013/2014. L&P members and volunteers from the wider membership of ELA have contributed to 25 separate consultations. This heavy workload is close to the 2012/2103 figure of 24 and easily exceeds the 19 consultations in 2011/12 and 17 in 2010/11. Constant change is thus an even stronger feature of the employment law landscape than before.

A new and welcome development has been the willingness of Government departments and agencies to involve ELA to provide feedback on proposals before formal consultation takes place. Such requests are testament to the quality of responses provided by ELA. Notwithstanding challengingly short consultation periods, all responses have met the deadlines and are of a consistently excellent quality. Greater efforts are being made to encourage members outside London and those who are in the early stages of their employment law career to contribute to working parties. For the first time, a working party held its initial meeting outside London.

Following a suggestion at last year's AGM, standing working parties were established on areas such as Zero Hours Contracts and Caste Discrimination. This was done to allow ELA to develop positions on emerging areas of employment law rather than waiting for consultations to be launched.

LEGISLATIVE & POLICY COMMITTEE REPORT cont.

Regular meetings were held with BIS over the past year including a meeting in the summer with Jo Swinson, the Employment Minister. A successful event was held in December involving a wide range of groups with an interest in employment law. In attendance at this event were the CBI, IoD, CIPD, TUC, FRU, ILS, The Law Society, the Advice Services Alliance and the Equality and Diversity Forum. This event was a useful opportunity to share views on legislative developments in employment law and discuss the likely impact on the workplace. Participant organisations were keen to continue this link with ELA and Joanne Owers has kindly volunteered to co-ordinate communications with these organisations on behalf of L&P.

Stephen Levinson's chairing of the Employment Law Oversight Committee continued to produce detailed and insightful proposals to improve neglected and overlooked areas of employment law. A membership survey was held to obtain members' views on the proposals which ELA should highlight to policy makers. The Committee will consider how best to promote the work of the ELO Committee over the next 12 months.

Concern in relation to Legal Expenses Insurance led to the creation of a working party. This was ably chaired by Catherine Taylor of Olswang and has led to valuable joint work with the Law Society, MASS and APIL culminating in a survey.

Extremely useful work has been carried out by Stuart Brittenden and a large cast of members who have attended ET user groups meetings on behalf of ELA. It is remarkable that ELA members can at the end of the busy working day make time to attend these meetings to give important feedback on behalf of users and practitioners to Employment Tribunal judiciary and administrators. Thanks are due to these members and indeed all ELA members who have contributed to this and indeed all aspects of L&P's work over the past year.

I have now completed four years as L&P Chair and would like to record my gratitude to Lindsey Woods for her encyclopaedic knowledge of ELA's activities and to Richard Fox for his guidance. I would like to extend my best wishes to Jonathan Chamberlain as the incoming Chair and express the hope that he finds his spell as Chair as interesting and illuminating as I have done.

Bronwyn McKenna
Chair, Legislative & Policy Committee

ELA Standing Committees (2013-14)

Employment Law Oversight Committee

Chair

Stephen Levinson, Keystone Law Ltd

Committee

Chucks Golding

Jennifer Harper, Wragge & Co LLP

Anna Henderson, Herbert Smith Freehills LLP

Judith Hogarth, Excello Law

Anthony Korn, No5 Chambers

Bronwyn McKenna, UNISON

Jemma O'Reilly, Wragge & Co LLP

Peter Wallington QC

Chris Wellham, Hogan Lovells LLP

Seán McHugh, Queen Square Chambers

LEI Working Party

Chair

Catherine Taylor, Olswang LLP

Working Party

Kirsty Alleyne, DC Employment Solicitors

Jamie Anderson, Doyle Clayton Solicitors

Chris Annetts, Spratt Endicott Solicitors

Minal Backhouse, Backhouse Solicitors

Julie Bann, DWF LLP

Andrew Berk, Robert Simmons

Claire Birkinshaw, Abbey Legal Services

Michael Birtwhistle, The Law Society

Prisca Bradley, Darbys Solicitors

Simon Brian, MKB Solicitors LLP

Chris Brazie, B P Collins LLP

Rachel Broughton, Averta Employment Lawyers LLP

ELA Standing Committees (2013-14)

LEI Working Party cont.

Samira Cakali, sce solicitors
Thomas Cordrey, Devereux Chambers
Daniel Cotton, DWF LLP
Peter Daly, Bindmans LLP
Clive Dobbin, Paris Smith LLP
Feargal Dowling, Irwin Mitchell LLP
Nick Fry, Bindmans LLP
Elizabeth George, Leigh Day
Teresa Harrison, Barker Gillette LLP
Louise Haward, Smith Partnership
Keir Hirst, Wace Morgan Solicitors
Oliver Hyams, Devereux Chambers
Shobana Iyer, Swan Chambers
Shazia Khan, Bindmans LLP
Dale Langley, Dale Langley & Co
Paul Lawton, Darbys Solicitors
Stephen Levinson, Keystone Law Ltd

Paul McFarlane, Weightmans LLP
Nigel Mackay, Leigh Day
Dean Morris, Morris Legal
Pavlos Paschali, Levenes Solicitors
Jasmine Patel, Leigh Day
Hugh Reid, Pardoes LLP
Nighat Sahi, PDT Solicitors
David Scott, Minster Law Solicitors
Donna Seferta, Irwin Mitchell LLP
Carol Shaw, Spratt Endicott Solicitors
David Silitoe, Lyons Davidson LLP
Hannah Simpson, B P Collins LLP
Louise Taft, Prolegal
James Townsend, B P Collins LLP
David Tyme, Johns and Saggar
David Walton, Gorvins LLP
Victoria Von Wachter, 5 Essex Court

ELA Standing Committees (2013-14)

Caste Discrimination Working Party

Chair

Sue Ashtiany, Ashtiany Associates

Working Party

Jeffrey Bacon, Littleton Chambers

Binder Bansel, Pattinson Brewer

Susan L. Belgrave, 9 Gough Square

Naeema Choudry, Eversheds LLP

Ranjit Dhindsa, Hill Hoffstetter Ltd

Purvis Ghani, Mayer Brown International LLP

Maanas Jain, Matrix Chambers

Shabbir Lakha, Farrar's Building

Penny Macmillan, Penny Macmillan Employment Law Ltd

Esther Maynard, Abbey Legal Services

Chris Milsom, Cloisters

Declan O'Dempsey, Cloisters

Jasmine Patel, Leigh Day

Anne Pritam, Stephenson Harwood LLP

Brigitta Tokhai, Weightmans LLP

Anjali Sharma, DAC Beachcroft LLP

Mukhtiar Singh, 6 Pump Court

Simon Stephen, Wragge and Co LLP

ELA Consultation Submissions: May 2013 – April 2014

Bank of England, Prudential Regulation Authority consultation on Clawback

13 May 2014

Co-chairs

Stephen Levinson, Keystone Law Ltd

Caroline Stroud, Freshfields Bruckhaus Deringer LLP

Working Party

Alice Greenwell, Freshfields Bruckhaus Deringer LLP

Julie Morris, Slater & Gordon (UK) LLP

Andrew Taggart, Herbert Smith Freehills LLP

Alastair Windass, Clifford Chance LLP

Alistair Woodland, Clifford Chance LLP

ELA Consultation Submissions: May 2013 – April 2014

ELA Response to EHRC Age Supplement to the Services, Public Functions and Associations
Statutory Code of Practice
2 May 2014

Chair

James Davies, Lewis Silkin LLP

Working Party

Claire Darwin, Matrix Chambers

Rachel Dineley, DAC Beachcroft LLP

Annabel Mackay, Addleshaw Goddard LLP

Lee Nair, Lewis Silkin LLP

Clare Primett, NHS Wales

ELA Response to Department for Education consultation - Adoption: getting it right, making it work
14 April 2014

Chair

Paul McFarlane, Weightmans LLP

Working Party

Nicola McKinney, 4 Kings Bench Walk

Nick Dent, Clyde & Co LLP

Elizabeth Drake, Weightmans LLP

Alison Colley, Real Employment Law Advice

David Greenhalgh, Twenty Twenty Law

Brigitta Tokhai, Weightmans LLP

ELA Consultation Submissions: May 2013 to April 2014

ELA response to proposed directive on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (the "Directive")
14 March 2014

Co-chairs

Peter Frost, Herbert Smith Freehills LLP
Toni Lorenzo, Lewis Silkin LLP

Working Party

Caroline Carter, Ashurst LLP
Paul Goulding QC, Blackstone Chambers
Amy Rogers, 11KBW
Catherine Taylor, Olswang LLP
Christine Young, Herbert Smith Freehills LLP

ELA Response to BIS Consultation on Zero Hours Contracts
13 March 2014

Chair

David Widdowson, Abbiss Cadres LLP

Working Party

Tim Adkin, 42 Bedford Row
Ann Bevitt, Morrison and Foerster LLP
Raj Chahal, Trowers and Hamblins LLP
Catharine Cooksley, Burges Salmon LLP
Clare Fowler, Howells LLP
Anna Jackson, Capsticks Solicitors LLP
Ken Morrison, Kingston University
Gemma Murray, Slater Gordon (UK) LLP
Clare Primett, NHS Wales
Michael Reed, Free Representation Unit
Tamsin Wallace, Eversheds LLP
Tim Wetherell, UNISON
Jim Wright, DWF LLP

ELA Consultation Submissions: May 2013 – April 2014

ELA's response to Ministry of Justice consultation paper – court fees: proposals for reform
14 February 2014

Chair

David Widdowson, Abbiss Cadres LLP

ELA's response to HMRC consultation "Onshore Employment Intermediaries: False Self-Employment"
4 February 2014

Chair

James Warren, Field Fisher Waterhouse LLP

Working Party

Chris Thompson, Gateley LLP
Richard Miskella, Lewis Silkin LLP
Brona Reeves, Barclays Plc
Phillippa Canavan, Squire Sanders (UK) LLP
Tessa Fry, GSC Solicitors
Angharad Schell, Field Fisher Waterhouse LLP

ELA Response to ACAS consultation on Disciplinary and Grievance Code of Practice
7 January 2014

Chair

Paul Statham Pattinson & Brewer

Working Party

Robert Davies, Dundas & Wilson LLP
Felicia Epstein, Pattinson & Brewer
Anna Henderson, Herbert Smith Freehills LLP

ELA Consultation Submissions: May 2013 – April 2014

ELA response to Migration Advisory Committee Call for evidence: review of migrant employment in low-skilled-work

16 December 2013

Chair

Robert Davies, Dundas & Wilson LLP

Working Party

Georgina Porter, Weightmans LLP

John-Paul Waite, 5 Essex Court

Lorraine Mensah, St John's Building

Sarah Stanzel, Tanfield Chambers

ELA's response to FRC Directors Remuneration Consultation

6 December 2013

Co-Chairs

Jonathan Chamberlain, Wragge & Co LLP

Paul Harrison, Baker & McKenzie LLP

Working Party

Greg Campbell, Mishcon de Reya Solicitors

Clare Fletcher, Slaughter and May LLP

Sarah Gadd, Latham & Watkins LLP

Alan Jones, Averta Employment Lawyers LLP

Stephen Levinson, Keystone Law Ltd

Jane McCafferty, 11 KBW

Eilidh Wiseman, Dundas & Wilson CS LLP

ELA Consultation Submissions: May 2013 – April 2014

Response to Home Office Consultation on Immigration Fees
3 December 2013

Chair

Stephen Levinson, Keystone Law Ltd

Working Party

Kate Gamester, Squire Saunders (UK) LLP

Philip Harman, DWF LLP

Tim Hayes, Bircham Dyson Bell LLP

Sarah Lovell, Shoosmiths LLP

ELA Response to the BIS Call for Evidence on the Whistleblowing Framework
1 November 2013

Chair

Anthony Korn, No5 Chambers

Working Party

Lydia Christie, HowardKennedyFsi LLP

Arpita Dutt, Brahams Dutt Badrick French LLP

Jonathan Exten-Wright, DLA Piper LLP

Peter Jones, Rawlinson Butler LLP

Esther Langdon, Doyle Clayton Solicitors Ltd

Shona Newmark, Ayers Newmark Solicitors

Sarah Parkinson, Capsticks Solicitors LLP

Simon Rice-Birchall, Eversheds LLP

David Sillitoe, Lyons Davidson LLP

Robert Thomas, Speechly Bircham LLP

Catherine Turner, Berwin Leighton Paisner LLP

David Widdowson, Abbiss Cadres LLP

ELA Consultation Submissions: May 2013 – April 2014

ELA Response to Scottish Affairs Committee: Enquiry into Zero Hours Contracts
14 October 2013

This response was from the ELA Scottish Steering Committee, compiled by Kathleen Morrison of Brodies LLP

ELA's response to BIS consultation: Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill-Certification of Trade Union Membership Details
16 August 2013

Chair

Paul Statham, Pattinson & Brewer

Working Party

Shubha Banerjee, Leigh Day
Edward Cooper, Slater and Gordon (UK) LLP
Stephen Levinson Radcliffes LeBrasseur LLP
Elizabeth Stephenson Pattinson & Brewer

ELA Response to HM Revenue and Customs Consultation: Partnerships: A Review of Aspects of the Tax Rules
9 August 2013

Co-Chairs

Tessa Livock, Lawrence Graham LLP
Anne Pritam, Stephenson Harwood LLP

Working Party

Bettina Bender, CM Murray LLP
Lucy Bone, Littleton Chambers
Alice Greenwell, Freshfields Bruckhaus Deringer LLP
Melanie Lane, Olswang LLP
Jean Lovett, Linklaters LLP
David Ludlow, Barlow Robbins LLP
Andrew Scott, Olswang LLP

ELA Consultation Submissions: May 2013 – April 2014

ELA Response to the GEO Consultation on Equal Pay Audits
18 July 2013

Chair

Brona Reeves, Barclays Bank plc

Working Party

Jemima Coleman, Herbert Smith Freehills LLP

Ranjit Dhindsa, Hill Hofstetter Ltd

Anne Sammon, Simmons & Simmons LLP

Marianne Wright, Thomas Eggar LLP

Stefan Cross, Stefan Cross Solicitors Limited

Catherine Barker, Addleshaw Goddard LLP

Stephen Ratcliffe, Baker & McKenzie LLP

Kim Sartin, Baker & McKenzie LLP

Khurram Shamsee, DAC Beachcroft LLP

Tariq Sadiq, St Philips Chambers

Roseanne Russell, Cardiff University

Lyn Berry, BDTs Consultancy Ltd

Natalie Dye, PWC

ELA's response to MAC consultation: Strengthening and simplifying the civil penalty scheme to prevent illegal working
9 July 2013

Co-chairs

Robert Davies, Dundas & Wilson LLP

Ilda de Sousa, Kingsley Napley LLP

Working Party

Huw Cooke, Burges Salmon LLP

Kathryn Dooks, Kemp Little LLP

ELA Consultation Submissions: May 2013 – April 2014

Working Party cont.

Tessa Fry, GSC Solicitors LLP
Kate Gamester, Squire Sanders (UK) LLP
Stephen Hall, Kingsley Napley LLP
Philip Harman, DWF LLP
Tim Hayes, Bircham Dyson Bell LLP
Clare Hedges, Birketts LLP
Rizwana Ishaq, Gateley LLP
Sarah Lovell, Shoosmiths LLP
Annabel Mace, (UK) Squire Sanders (UK) LLP

**ELA Response to DEFRA Consultation on changes to the scope and governance of the Gangmasters
Licensing Authority
21 June 2013**

Chair

Paul Statham, Pattinson & Brewer

Working Party

Huw Cooke, Burges Salmon LLP
Shan Jaehrig, Sills and Betteridge LLP
Isaac Joory, Duncan Lewis
Mark Shulman, Keystone Law Ltd

ELA Consultation Submissions: May 2013 – April 2014

ELA Response to Public Concern at Work's Whistleblowing Consultation 21 June 2013

Chair

Anthony Korn, No5 Chambers

Working Party

James Arnold, Outer Temple
Lydia Christie, HowardKennedyFsi LLP
Arpita Dutt, Brahams Dutt Badrick French LLP
Jonathan Exten-Wright, DLA Piper UK LLP
Peter Jones, Rawlison Butler LLP
Esther Langdon, Doyle Clayton Solicitors Ltd
Esther Maynard, Abbey Legal Services
Shona Newmark, Ayers Newmark Solicitors
Sarah Parkinson, Capsticks LLP
Simon Rice-Birchall, Eversheds LLP
David Sillitoe, Lyons Davidson Ltd
Robert Thomas, Speechly Bircham LLP
Catherine Turner, Berwin Leighton Paisner LLP
David Widdowson, Abbiss Cadres LLP

ELA's response to the FCA Consultation on Publishing Information about Enforcement Warning Notices 18 June 2013

Co-chairs

Jonathan Chamberlain, Wragge & Co LLP
Jane McCafferty, 11KBW

Working Party

Lois Ambrose, Linklaters LLP
Deborah Casale, Slater & Gordon (UK) LLP
Steven Cochrane, Allen & Overy LLP

ELA Consultation Submissions: May 2013 – April 2014

Working Party cont.

Jonathan Exten-Wright, DLA Piper UK LLP
Paul Fontes, Eversheds LLP
Kathleen Healy, Freshfields Bruckhaus Deringer LLP
Kiersten Lucas, Wragge & Co LLP
Alexander Milner-Smith, Lewis Silkin LLP
Karen Mortenson, HowardKennedyFsi LLP
Louise Randall, Shoosmiths LLP
Anna Rentoul, Simmons & Simmons LLP
David Sims, Clifford Chance LLP
Elizabeth Slattery, Hogan Lovells International LLP
Alistair Windass, Clifford Chance LLP

ELA's response to the BIS Consultation on the Future of Apprenticeships 22 May 2013

Chair

David Widdowson, Abbiss Cadres LLP

Working Party

Gemma Cawthray, Veale Wasbrough Vizards LLP
Rebecca McGuirk, Trowers and Hamlins LLP
Bronwyn McKenna, UNISON
Adam Mizler, Woolley Beavis Diplock LLP
Danielle Spiers, Sheridans
Mark Stevens, Veale Wasbrough Vizards LLP

ELA Consultation Submissions: May 2013 – April 2014

ELA's response to BIS consultation on Shared Parental Leave and Pay 17 May 2013

Chair

Emma Burrows, Trowers & Hamlins LLP

Working Party

Bettina Bender, CM Murray LLP

Jemima Coleman, Herbert Smith Freehills LLP

Lily Collyer, Baker & McKenzie LLP

Maya Cronly-Dillon, Hogan Lovells International LLP

Amanda Hudson, Excello Law

Rebecca Johns, Fasken Martineau LLP

Oliver Jones, Allen & Overy LLP

Joanna Lada-Walicki, Barlow Robbins LLP

Rebecca McAlees, Lewis Silkin LLP

Raj Nadarajan, Slater & Gordon (UK) LLP

Claire Walls, Berwin Leighton Paisner LLP

ELA Response to BIS consultation: Fee remissions for the courts and tribunals 16 May 2013

Co-Chairs

Michael Reed, FRU

Paul Statham, Pattinson & Brewer

Working Party

Minal Backhouse, Backhouse Solicitors

Edward Cooper, Slater & Gordon (UK) LLP

Scott Halborg, Halborg & Co (Solicitors) LLP

Louise Taft, Prolegal Ltd

Peter Wallington QC, 11 KBW Chambers

Nic Webster, Leigh Day

John Wiggins, Mary Ward Legal Centre

ELA Consultation Submissions: May 2013 – April 2014

ELA's response to ACAS Consultation: Draft Code of Practice on the extended right to request flexible working

3 May 2013

Chair

Elaine Aarons, Withers LLP

Working Party

Harriet Bowtell, Slater & Gordon (UK) LLP

Nick Jones, Lyons Davidson LLP

Paul McFarlane, Weightmans LLP

Louise Mason, Hogan Lovells International LLP

Özlem Mehmet, Fox Williams LLP

David Widdowson, Abbiss Cadres LLP

Chair

Paul Daniels, Slater & Gordon (UK) LLP

www.elaweb.org.uk

PRO BONO COMMITTEE REPORT

Committee

Ruth Badrick, Brahams Dutt Badrick French LLP

Cyril Dennemont, Harold Benjamin Solicitors

Emily Gibbs, North Kensington Law Centre

Sally Gill, The College of Law

Nicola McMahon, Charles Russell LLP

Katharine McPherson, Lewis Silkin LLP

Lisa Moses, LawWorks

Victoria Speed, BPP Law School

Emma Wilkinson, Citizens Advice

Rebecca Wilkie, Bar Pro Bono Unit

Our main focus has been increasing the impact of the 100 Days' Project over the past 12 months. I am delighted to say that the results for 2013 show that 99 days of pro bono work were provided by ELA members in 2013 under the 100 days scheme. Just one short of the magic 100 days. Given that further result forms are outstanding this means we will have passed the 100 days' target for 2013 which is fantastic news, together with having secured nearly £100,000 in compensation for clients.

A lot of this goes down to the hard work of Cynthia Clerk, at ELA, as well as the considerable administrative support from the Bar Pro Bono Unit (BPBU). In 2013 the BPBU was the second largest referrer to ELA, accounting for 37% of all referrals, just behind Citizens Advice with 39%. I can also confirm an excellent variety in the coverage of cases and volunteers from all around the country, including from Exeter to Prestatyn to Manchester to London.

I am also pleased to confirm that the new 100 days mentoring project is underway with 11KBW and Matrix Chambers providing the additional support of a barrister mentor to 100 day volunteers who feel they would benefit from some guidance and handholding during the advocacy process. This is, we hope, another good reason for more people to step up and take on a 100 days case. The feedback from volunteers has been very positive and all concerned seem to feel that providing this support, particularly through performing a little advocacy, is an excellent way to grow as a lawyer. Depending on take-up of mentors from ELA members, the number of volunteer chambers providing mentors may need to increase later in 2014. We are also introducing procedures for feedback from volunteers on the mentoring project.

PRO BONO COMMITTEE REPORT cont.

This year we have also worked more closely with pro bono agencies, in particular BPBU, Citizens advice, Lawworks and FRU in order to adopt a more joined up approach to dealing with pro bono matters. We are particularly pleased to welcome a good stream of new pro bono cases from Citizens advice this year.

In the next year we plan to consult members on other pro bono schemes to help ELA members, such as a scheme aimed at helping ELA members return to work from lengthy absence or a career break, amongst other things.

I am delighted to note the election of Ruth Badrick from BDBF as the new chair and I would wish to heartily welcome her into the post. I think Ruth will do a great job in taking pro bono activities within ELA forward. I am sure Ruth will agree that the time is ripe for new blood in the Committee, from both solicitors and barristers. We really want and need enthusiastic new participants in the Pro Bono Committee, who can bring fresh ideas and perspectives. If you would like to join the ELA Pro Bono Committee and/or help on the delivery of pro bono activities please let Ruth Badrick at BDBF know.

The ELA 100 day volunteers are listed at the end of the report as a thank you for their fantastic efforts.

Paul Daniels
Chair, Pro Bono Committee

100 Days Pro Bono Scheme

We are grateful to the following ELA members who have undertaken pro bono work under the 100 Days Pro Bono scheme between March 2013 – April 2014

Naveen Agnihotri , 12 College Place
Sarah Beale , Five Paper Buildings
Andrew Berk, Robert Simmons Legal Services
Colin Bourne, Kings Chambers
Claire Darwin, Matrix Chambers
Choice Dzviti, CS Legal Consultants Ltd
Grant Goodlad, Farrars Buildings
Jon Heath, Levins Solicitors
Sharon Hosten, Top Law Consultancy
Shobana Iyer, Swan Chambers
Grenville Jay, Regent Chambers
Sinead King, 36 Bedford Row
Moray Laing, Employment Law Associates
Kevin Lynch, Davis & Co
Laura McGurn, RadcliffesLeBrasseur LLP
Shona Morton, Wilkin Chapman LLP
James Nicholls, Artesian Law
Sungjin Park
Emma Quenby, Vista Law
Verity Saxon, Doyle Clayton Solicitors
Monika Sobiecki, Pump Court Chambers
Iqbal Sram
Sarah Stanzel, Tanfield Chambers
Alex Ustych, 5 Essex Court
Will Young, Outer Temple Chambers
Barbara Zeitler, 3 Dr Johnsons Buildings

One Case Project

We would like to thank the following firms who have joined under the One Case Project.

Burges Salmon LLP
Clifford Chance LLP
CM Murray LLP
CMS Cameron McKenna LLP
Dundas and Wilson LLP
Freshfields Bruckhaus Deringer LLP
Mishcon de Reya Solicitors
Simmons and Simmons LLP
Simons Muirhead and Burton Solicitors

Thanks to the following who undertook cases under the One Case Project this year:

Jennifer Millins and Henry Eccles-William of Mishcon de Reya Solicitors
Laura Jamieson of Dundas and Wilson LLP

Editor / Chair, Editorial Committee

Anna Henderson, Herbert Smith Freehills LLP

www.elaweb.org.uk

EDITORIAL COMMITTEE REPORT

Editorial board

Susan Belgrave, 9 Gough Square

Bernadette Daley, Mayer Brown International LLP

Sarah Fraser Butlin, Cloisters

Ginny Harrison, Ginny Harrison Legal Limited

Clive Howard, Slater & Gordon (UK) LLP

Mark Hunt, BNY Mellon

Marc Jones, Turbervilles

Douglas Leach, Guildhall Chambers

Richard Linksell, Ogletree Deakins International LLP

Stephen Levinson, Keystone Law Ltd

Camilla Palmer, Your Employment Settlement Service

Roseanne Russell, Cardiff University

Tariq Sadiq, St Philips Chambers

Mohinderpal Sethi, Devereux Chambers

Charles Wynn-Evans, Dechert LLP

As ever, 2013-14 has been a busy year for ELA Briefing's editorial committee.

Readers and contributors have got used to the new format and editorial guidelines, which has saved precious editorial time – much appreciated! The production timelines have also been streamlined and costs minimised by the use of DX for delivery where possible.

The committee has welcomed two new members this year: Sarah Fraser Butlin of Cloisters and Charles Wynn-Evans of Dechert LLP. We are keen to be as representative of the ELA membership as possible, and now have a balanced representation of claimant and respondent solicitors, counsel, academics and in-house lawyers. One quarter of the committee is based outside central London and dials in to most meetings, so geography is no impediment.

The main role of the committee is to meet ten times a year to review and discuss copy submissions, suggest improvements, and make selections based solely on quality, topicality and respect for contributor guidelines (especially word counts). Articles which provide in depth analysis and share invaluable insights from practical experience, from both claimant and respondent viewpoint, are particularly welcome.

EDITORIAL COMMITTEE REPORT *cont.*

Most of our material is not commissioned, but simply submitted speculatively by authors. We are pleased that, this year, there has been an increase in articles from first-time contributors and in contributions from some of the leading employment chambers. Writing articles is time-consuming and difficult – especially when it encroaches upon personal time - and we are enormously grateful to everyone who makes this commitment. Without it, there is no Briefing. Members have consistently said that the Briefing is one of the most valued benefits of membership and it is only through your help that it remains one of the best employment law journals available.

We are also pleased that, this year, we have been able to publish more ELA news items and contributions from various ELA committees and working parties. The Briefing is the ideal vehicle for informing the broader membership of the valuable work done by so many ELA members.

During the year, the feasibility of producing a tablet or kindle edition of the Briefing was investigated by the management committee. After researching the options and taking feedback from the editorial committee, it was decided that the projected costs outweighed the potential benefit to ELA members. However, this possibility is to be kept under review, as levels of demand and cost may change over time. Monthly 'Employment Law Update' emails to members provide links to the latest issue of Briefing on the website, along with details for downloading PDFs to mobile devices.

I should end with sincere thanks to all those who have provided the committee with useful and insightful articles in the past year, to the editorial committee for their skill and commitment, and to the production team at Thomson Reuters for their hard work. I am confident that the Briefing is in safe hands as I pass the baton on to my successor (and predecessor), Alex Lock.

Anna Henderson
Chair, Publishing Committee

Training Committee Chair

Gareth Brahams, Brahams Dutt Badrick French LLP

www.elaweb.org.uk

TRAINING COMMITTEE REPORT

Committee

Paul Bennett, Bennett's Legal Limited
Marian Bloodworth, Berwin Leighton Paisner LLP
Harriet Bowtell, Slater & Gordon (UK) LLP
Jo Broadbent, Hogan Lovells International LLP
Patrick Brodie, RPC LLP
Emma Clark, Abbiss Cadres LLP
Naeema Choudry, Eversheds LLP
Anthea Christie, Pattinson & Brewer
Nick Cooksey, Rivers Chambers
Joan Cradden, Brodies LLP
Betsan Criddle, Old Square Chambers
Ranjit Dhindsa, Hill Hofstetter Ltd
Sam Gage, Thomson Reuters
Lisa Lewinsohn, Withers LLP
Ellie Hibberd, Winckworth Sherwood LLP
Gary Hodkinson, Lamb Building
Penny Hunt, Bird & Bird
Paul Jennings, Bates Wells Braithwaite LLP
Mhairi Letcher, The British Museum

Oliver Loach, John Lewis Partnership
Nigel Mackay, Leigh Day
Adrian Martin, Burges Salmon LLP
Sean McHugh, Queen Square Chambers
Jonathan Maude, McGuireWoods LLP
Alice Mayhew, Devereux Chambers
Geoffrey Mead, Eversheds LLP
Claire Merritt, Paris Smith LLP
Eleena Misra, Littleton Chambers
Alexandra Mizzi, HowardKennedyFsi LLP
Catriona Moffatt, Olswang LLP
Georgina Rowley, Dechert LLP
Diya Sen Gupta, Blackstone Chambers
Anjali Sharma, DAC Beachcroft LLP
Nicholas Squire, Freshfields Bruckhaus Deringer LLP
Nicola Tager, Harbottle & Lewis LLP
Susan Thomas, Charles Russell LLP
Kathryn Weaver, Lewis Silkin LLP
Anna West, Travers Smith LLP

The Training Committee has continued its programme of national and regional courses this year, refreshing and renewing, creating and replacing each event as appropriate in these fast moving times.

We have also, as ever, devised and implemented what should be a highly relevant and excellent quality programme for the annual conference.

We constantly wrestle with ensuring that so far as possible the benefits of the training programme are felt nationally so the webinar series is a key extension of the face to face programme. After the success of the trials, we have committed to provide two free webinars to all members as a membership benefit each year.

Training Committee Chair

Gareth Brahams, Brahams Dutt Badrick French LLP

www.elaweb.org.uk

TRAINING COMMITTEE REPORT

After being a member of the ELA Training Committee for some eleven years and having chaired it for the past five, I am stepping down this year.

I am grateful to the predecessors I worked under, namely Matt Dean, Anne Pritam and Joanne Owers. I am conscious that over this last five years I have been building on the platform that they and their committees, and those before them, constructed.

I am also indebted to the hardworking members of this committee who have worked so diligently to produce such high quality and relevant events. I am delighted that they are all continuing on after I leave.

Ever since living the Marxist dream as a kibbutz volunteer, I have been a great believer in rotating positions of responsibility and that makes relinquishing this fascinating role less painful. I am particularly pleased to be handing over to Marian Bloodworth of Berwin Leighton Paisner whom I know shares my passion for providing first rate training through ELA – something she has demonstrated both by her active membership of the committee to date and her own accomplishments as a speaker at our events.

However, my final words must go to Lindsey Woods. Her knowledge of what works and what doesn't combined with her natural humility and efficiency makes her the easiest person you could imagine to work with and turns what is an onerous responsibility into a pleasure.

I wish Marian, Lindsey and the new committee every success in its next phase.

Gareth Brahams

Chair, Training Committee

International Committee Chair

Juliet Carp, Speechly Bircham LLP

www.elaweb.org.uk

INTERNATIONAL COMMITTEE REPORT

Committee

Allison Brown, Google

Henry Clinton-Davis, Arnold & Porter (UK) LLP

Adam Creme, UNISON

Rebecca Emmett, Rebecca Emmett Employment Law

Susanne Foster, CM Murray LLP

Edward Gelsthorpe, BAE Systems

David Gibson, DWF LLP

Jude Harris, DLA Piper (UK) LLP

Kathleen Healy, Freshfields Bruckhaus Deringer LLP

Ming Henderson, Seyfarth Shaw (UK) LLP

Toni Lorenzo, Lewis Silkin LLP

Frank Morton, Burges Salmon LLP

Amy Rogers, 11 KBW

Katie Williams, Mackinnons

Alistair Woodland, Clifford Chance LLP

Fraser Younson, Squire Sanders (UK) LLP

ELA's international Committee has had a busy year. The committee contributes to consultations with an international dimension (with special thanks to Toni Lorenzo), liaises with the European Commission (with special thanks to Fraser Younson, Ming Henderson and Stephen Levinson), provides training such as country "think tanks" (with special thanks to Jude Harris and Emmanuelle Ries), offers contributions to ELA Briefing (with special thanks to Kathleen Healy) and works to develop stronger relationships with other international employment lawyers associations. (Members are encouraged to visit http://www.americanbar.org/groups/labor_law/committees/intcom/directory.html for information about other organisations and international events including the next EELA conference in Krakow in June.)

TransAtlantic Conference

The highlight of 2014/15 was our 3rd TransAtlantic Conference, a one day conference in London jointly organised with the American Bar Association's Labor & Employment Section's International Committee. International conferences take an enormous amount of effort to pull together. This one was no exception and every member of the committee contributed. Particular thanks go to the programme chairs Wayne Outten and Gary Siniscalco of the ABA, and our committee's Ming Henderson and Susanne Foster, and, as always, ELA's administration team. The conference could not have taken place without the commitment of US and European lawyers who travelled such a long way to be with us on that day - or without those who persuaded them to come. We hope to offer members the opportunity to participate in a 4th TransAtlantic Conference in Autumn 2015.

INTERNATIONAL COMMITTEE REPORT cont.

Membership

In Autumn 2013 we welcomed new committee members including Rebecca Emmett, David Gibson, Jude Harris, Kathleen Healy, Amy Rogers, Katie Williams and Alistair Woodland. Thanks are due to those of our committee members who stood down during the course of the year, including David Cubitt, Robert Davies, Michael Grisenthwaite, Monica Kurnatowska, Stephen Levinson, Declan O'Dempsey, Emmanuelle Ries, Nick Robertson, Hilary Schrader, and Chris Walter all of whom have made valued contributions over many years.

Going forward, we look forward to offering a better international training programme, more support for regional practices, more consistent contribution to ELA Briefing and hopefully a 4th TransAtlantic Conference.

Juliet Carp

Chair, International Committee

ELA In-House Representative

Mark Hunt, BNY Mellon

www.elaweb.org.uk

REPORT FROM ELA IN-HOUSE REPRESENTATIVE

Until 2012, the Management Committee did not have any formal representation from the In House Employment Lawyer community, which has been growing rapidly. Since the creation of the position of In House Representative, the focus has been on identifying how ELA can best serve its In House members, expanding the number of In House members and ensuring the In House views are represented appropriately to ELA.

In House lawyers already participate in a number of ELA subcommittees and it is hoped that this will continue to develop. One of the key aims going forward is to create an In House subcommittee that will focus on initiatives that will benefit In House members. Volunteers to participate in the subcommittee will be very welcome. One such initiative has already been implemented, which involved the creation of a Linked-In group for In House members only. The next initiative will be a conference for In House members, which it is hoped will become a regular event.

Mark Hunt, BNY Mellon

ELA In-House Representative

REPORT FROM ELA REGIONAL REPRESENTATIVES

MIDLANDS

The Midlands region is a large geographical area loosely split between the West Midlands and East Midlands. Having been appointed one of the early challenges was to ensure that I was known to the employment lawyers in the region. A dinner was organised at the Opus Restaurant in Birmingham which was very well attended and supported by Richard Fox.

There then followed a period of time visiting employment lawyers in different firms and asking for their views on what kind of events they would like ELA to host. This was also an opportunity to identify potential speakers and topics. Meetings were also arranged with the local and national bar who are members of ELA, to gather their support.

This led to a variety of talks predominantly in Birmingham and Nottingham. One of the highlights was to move away from the traditional evening slot and introduce morning events too, which proved equally popular.

Another highlight was holding the National Conference in Birmingham in 2013. The turnout was great and the quality of speakers superb. It was good to see solicitors, barristers and judges from all over the UK attend.

In July 2013 the Midlands region brought together for the first time a member of the judiciary, ACAS and practising lawyers to discuss the introduction of fees and early conciliation. The event was a huge success and has since been repeated throughout the country. It was very satisfying to co-ordinate views from different stakeholders in a single event.

One of the challenges of the role was working in isolation as opposed to co-ordinating with other regional representatives and replicating talks that had been successful elsewhere. The communication between the regional representatives is much better now, and continues to improve.

Another challenge was to ensure there was a good turnout at ELA events particularly in the East Midlands where employment lawyers are dispersed amongst the smaller cities of Nottingham, Leicester and Derby, etc. One way to overcome this in the future is to use webinars and video links more often. I know the Midlands appreciated the annual lecture being videoed so people did not have to travel to London for the event.

REPORT FROM ELA REGIONAL REPRESENTATIVES

MIDLANDS cont.

A constant challenge is distinguishing ELA seminars from those presented by other organisations. ELA does provide a great networking opportunity for members to share ideas and views – whether from the voluntary, public or private sector, in-house lawyers or those in private practice. It would be great to see more academics involved in ELA presentations going forward.

I have thoroughly enjoyed acting as a regional representative and found it a rewarding and fulfilling experience.

Ranjit Dhindsa, Hill Hoffstetter Ltd
ELA Midland Representative

NORTH EAST

It has been an interesting 2 years in the North East region to say the least. Since I took over the position of North East Regional Rep in 2012 the employment law landscape has changed. The challenges that the profession faced in 2012 haven't changed in 2014.

One of the biggest challenges that the NE Region has faced and I know many other regions face the same issue, is to have the continued support and engagement for its regional ELA memberships. We try to provide a comprehensive seminar and events programme but are often let down by lack of interest in the seminars which leads to them being cancelled at the last moment. This isn't ideal, especially for the speakers who provide their time to the ELA. We are seeking to provide a comprehensive programme that interests and benefits all of our members. The ELA can only do this with continued input and ideas from all of its membership as to what it wants to see and when. Having said that, we have had some very successful seminars over the past 12 months, as well as some very well attended social events and we are working hard to compile an interesting and informative seminar and social programme for the next 12 months, which will interest all of our membership. This includes working with ELBA in the region to ensure all of our members have a voice.

REPORT FROM ELA REGIONAL REPRESENTATIVES

NORTH EAST cont.

Without a doubt it's going to be a challenging time for all, especially since the introduction of the Tribunal fee regime. The statistics show that there has been a significant impact on the number of claims that are being submitted and it will no doubt take a while for the full impact of the changes to be felt. What is clear is that the profession needs to work together to face the challenges ahead.

Anjali Sharma, DAC Beachcrofts LLP
ELA North East Representative

NORTH WEST

It is hard to believe that another two years has passed being the ELA representative in the North West. The role has been diverse representing not only the views of colleagues in the North West but also taking part in national initiatives such as working with other ELA colleagues in developing an advocacy training module to be delivered in all the regions and being part of a working group looking at delivering webinars.

Locally we have had a diverse range of speakers (including QCs) covering a host of topics from Directors' Duties, Pension Claims to Social Media. One of the most well attended seminars was that given by our (then) Regional Employment Judge, Brian Doyle.

At times it has been challenging to attract sufficient numbers for the training arranged especially in locations other than Manchester. There is increasing competition from other providers and Chambers so it's always pleasing when members are willing to come forward and express preferences on topics. In the longer term it would be great to provide training in Liverpool on a more regular basis.

But it's not been totally about education and updates. There have been plenty of social interaction too including a great social evening at Evuna in Manchester which resulted in the event being a sell out. More social activities are planned including a joint dinner with ELBA to celebrate our Regional Employment Judge being appointed President of the Employment Tribunals....watch this space.

Naeema Choudry, Eversheds LLP
ELA North West Representative

REPORT FROM ELA REGIONAL REPRESENTATIVES

SCOTLAND

Scotland has had a busy year. We have held a number of interesting interactive sessions including a panel discussion about the potential impact of independence upon employment law in Scotland. We have been holding training sessions by way of video conference to Aberdeen, Glasgow and Edinburgh. Dundee is a work in progress due to technical hitches!

The year saw the establishment of a Steering Committee which will provide input to the current ELA Representative on the development of a training programme and social gatherings in Scotland. The new ELA Representative starts with strong backing from the Steering Committee and will press forward with the agenda to increase membership and participation in ELA across Scotland as a whole.

Joan Cradden, Brodies LLP
ELA Scotland Representative

SOUTH WEST

It is hard to believe that it has been nearly 2 years since I was handed the reins from a very safe pair of hands in David Major.

I recall meeting with David, who kindly took some time to hand over the ELA south west baton, and inform me that apathy was the biggest hurdle to overcome in order to have a thriving ELA in the south west. As I look back over 2012 to 2014 that challenge – whilst diminishing – still remains.

Having canvassed the views of many Members in the region over the last two years, and indeed invited suggestions and ideas for the development of their ELA, it has been more a slow burn than an explosive response. Breaking down the myth that the ELA south west only concerned itself with Bristol has slowly turned a corner which I believe has been assisted in no small measure by the splitting of the social budget which saw popular evenings arranged in Exeter as well as Bristol.

REPORT FROM ELA REGIONAL REPRESENTATIVES

SOUTH WEST cont.

Given the size and geography of the south west, one of the greatest successes has been the arrival of the recent video linked seminar session, which was given in Exeter and beamed to Plymouth. This is something that I hope can be developed further in the future.

The south west region has also benefitted from having a very pro-active regional employment judge. Mr Parkin has given so generously of his time not only to popular User Group both in Exeter and Bristol, but through very engaging sessions held in Bristol, Southampton and Exeter with an insightful look at the way in which changes in employment law have taken effect.

And of course who can forget dinner with Lord Justice Mummery, who very generously gave of his time to talk to Members of the south west about his experiences in employment law over his many and distinguished years in practice, and on the bench. Employment Judge Tickle also joined us, and remains as ever a keen and popular supporter of the ELA in the south west, and we hope to see him again at future ELA south west social events.

The future? The ELA in the south west is in good shape. There are very many excellent employment law practitioners here, and the allure of the south west tempts speakers here to talk to us. There are some interesting and topical seminars to be confirmed, which I hope will be held in various parts of the region to enable as many Members to benefit as possible. It is hoped that the use of video linking will become more widespread, in order to make participation more convenient for Members to attend, and more often.

Sean McHugh, Queen Square Chambers
ELA South West Representative

REPORT FROM ELA REGIONAL REPRESENTATIVES

WALES

At the start of my tenure as regional representative the main challenges were to drive up delegate numbers and give more of a sense of the region being active and cohesive.

I have tried to arrange sessions which are not “off the shelf” and which are of interest regionally. This has I think helped increase attendance. Some sessions have attracted a number of delegates from outside Wales.

Social media has been important to a sense of the region being more cohesive, and also the distribution of propaganda to encourage delegates to attend. This was a useful tool from the outset of my last term as regional representative, and continues to be so.

Social functions have also helped bring members together, and have been well attended. We have given 5 free of charge places to regional judiciary at our socials. Generally these have been taken up by the EJs and has been attractive to members generally. It has helped developed closer bonds between members and judiciary, and added value to our socials. The same is true of Richard Fox attending, reinforcing the sense of an ELA community. In November 2012 (first social during my tenure) we had about 55 attendees.

Our most successful event to date has been the talk by Elias LJ followed by social dinner. Very well attended, a most memorable night, and generated enough revenue to allow us to hold a further social dinner at Christmas last year. A flagship event like this per year gives huge benefits, but it is difficult to attract this calibre of speaker to the region consistently.

I have tried to incentivise attendance by encouraging regional members to deliver sessions. Surprisingly this has not been taken up well. Only one speaker was willing to do so. In truth, whatever the ideal of having great sessions from local practitioners, people are interested in hearing from the established leading lights, rather than those they have previously instructed. Big names sell seats.

Our main challenges are increasing participation outside Cardiff, and the involvement of larger firms in the region. The bulk of our membership is in Cardiff and efforts to arrange a session in Swansea have not been taken up by members / putative host firms.

REPORT FROM ELA REGIONAL REPRESENTATIVES

WALES cont.

I have tried to use video link of late to address this and get the ball rolling in other locations. The video link to the ELA national lecture was well received in Wales but for a standard session video link has not been straightforward. There has been reluctance on the part of some firms to use the link even though they have facilities and an office outside Cardiff. Some members also see the link as an opportunity to have a direct stream to their office, rather than a communal viewing at another venue. I will continue to push video link. It has been successful in Scotland, and can be in Wales. Being realistic it may well need a huge session / speaker to get it off the ground. Once the benefit is seen in practice I believe it will work longer term.

The engagement of larger firms continues to be difficult. They are more than willing to host. We do have some delegates from these firms attending events, but not in larger numbers. Even arranging meetings to bottom out reasons / understand what more ELA can offer to increase participation is difficult. I have started taking a more direct approach my asking these firms to host certain events, as opposed to looking for volunteers. This does give bigger numbers at events, but of course the host delegates attend FOC. Good for morale, but not the coffers, and not a true reflection of their desire to participate. It does however give a taste of what ELA Wales can do, and worked well at our recent session with Mark Sutton QC at Morgan Cole. Difficult as it is, I will have to meet with all the larger firms to identify what will get them more fully on board.

Overall I feel we have grown as a region over the last two years. We have a consistent hard core who attend and enjoy our events. We are shaping an identity as a region and becoming more vocal, a trend that I hope will continue over the next two years..

Nick Cooksey, River Chambers
ELA Wales Representative



EMPLOYMENT
LAWYERS
ASSOCIATION

www.elaweb.org.uk

Annual Report
2013 - 2014



Employment Lawyers Association
P.O. Box 353
Uxbridge UB10 0UN

Tel/Fax: 01895 256972
Email: ela@elaweb.org.uk